

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA

v.

CHARLES T. GADDY, JR.

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Case No.: 3:07cr71-WKW

UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, Charles T. Gaddy, by and through his undersigned counsel, Jennifer A. Hart, and pursuant to 18 U.S.C. § 3161(h)(6); (h)(8)(A); and (h)(8)(B)(ii), moves this Court to continue this case beyond the presently scheduled trial date of November 5, 2007. As grounds for granting this Motion, Defendant would show the following:

1. On April 4, 2007, the government charged Mr. Gaddy in a one-count Indictment with possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B).
2. On April 24, 2007, Mr. Gaddy entered a not guilty plea to the charge and was ordered detained.
3. On June 13, 2007, the Government filed a Superseding Indictment in this case in which it charged Mr. Gaddy with the additional offense of failing to update the registration required by the Sex Offender Registration and Notification Act, in violation of Title 18 U.S.C. § 2250.
4. Mr. Gaddy will need adequate time to review discovery and will also need additional time to research the evolving law concerning Count 2 of the superseding indictment. It is Mr. Gaddy's understanding that such a charge is the first of its nature in this jurisdiction but that there is an abundance of ongoing litigation concerning this statute. Therefore, it is in the interest of justice to allow Mr. Gaddy adequate time to explore this novel question of law.

5. Mr. Gaddy asserts that the additional charge and discovery may lead to pretrial motions which the Court will need time to address prior to the trial term or consent docket.

6. For all of these reasons, Mr. Gaddy is requesting that his case be continued beyond the November 2007 trial term.

7. The Government, through Assistant United States Attorney Susan Redmond, has no opposition to the granting of this Motion.

WHEREFORE, based upon the foregoing, Charles Gaddy respectfully requests that his trial be continued beyond the presently scheduled date of November 5, 2007.

Dated this 16th day of October, 2007.

Respectfully submitted,

s/Jennifer A. Hart

JENNIFER A. HART

FEDERAL DEFENDERS

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CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Susan Redmond
Assistant United States Attorney

Respectfully submitted,

s/Jennifer A. Hart
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